

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1 and 3-12 will be pending. By this amendment, claims 13-37 have been canceled; and claims 1, 6-8, 11, and 12 have been amended. No new matter has been added.

§ 103 Rejection of Claims 1 and 3-37

In Section 4 of the Office Action, claims 1, and 3-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kocher *et al.* (U.S. Patent No. 6,640,305; hereinafter referred to as "Kocher") and Tateishi (U.S. Patent No. 5,669,007) in view of Khan *et al.* (U.S. Patent No. 6,199,054; hereinafter referred to as "Khan"). Claims 1, 6-8, 11, and 12 have been amended to address the rejection.

In the Background section of the Specification, it was indicated that "[p]urchasers of these digital content data must pay two kinds of fees, data communication fee and content fee, separately ... However, the payment of two kinds of fees for purchased digital content data presents a problem that, for users who want to use only part of particular digital content data, the content fee setting system must be divided into segments." *Specification, page 1, lines 21-23; page 2, lines 14-18 (emphasis added)*.

To overcome the above-described problem of the conventional digital content delivery system, embodiments of the present invention include a more efficient digital content data distribution system for delivering and receiving digital content data. For example the structure of apparatus claim 8, as presented herein, includes:

“8. A reception apparatus for receiving digital content data and a cost per unit volume information of said digital content data transmitted via a communication medium, the apparatus comprising:

means for receiving said digital content data with its data format converted into a data format suitable for said communication medium and restoring the received digital content data;

means for removing said cost per unit volume information from the restored digital content data; and

reproduction means for reproducing said digital content data without said cost per unit volume information.”

(emphasis added)

Accordingly, in one aspect of claim 8, the reception apparatus includes: *means for receiving* said digital content data with its data format converted into a data format suitable for said communication medium and restoring the received digital content data; *means for removing* said cost per unit volume information from the restored digital content data; and *reproduction means for reproducing* said digital content data without said cost per unit volume information.

By contrast, Tateishi teaches calculating the “cost of each path on the graph created in the previous stage, and orders the paths by cost.” *Tateishi, column 7, lines 35-37 (emphasis added)*. The graph in Tateishi is used to analyze the structure of a document. Tateishi refers to the term “cost of each path on the graph” as the length of travel on an analytical/mathematical graph that analyzes the structure of a document. Thus, the “cost” or the “length of travel on the graph” indicates the degree of relationship (*i.e.*, the relatedness) between/among multiple pieces of data in the document. Therefore, the term “cost” in Tateishi is not used to indicate a monetary fee for analyzing the document or for document itself.

Kocher discloses digital content protection method and apparatus. For example, Kocher uses crypto keys to enforce viewing privileges for digital content data. Further, it was stated that

“Khan discloses a separate transmittal envelope to assist in the transmission of the digital payload envelope and processing of the delivery charges (or communication fee)”. However, Khan fails to teach or suggest removing the cost per unit volume information from the restored digital content data and reproducing the digital content data without the cost per unit volume information. Therefore, Kocher, Tateishi, and Khan, individually or in combination, fail to teach or suggest all the limitations of claim 8.

Based on the foregoing discussion, it is submitted that independent claim 8 should be allowable over Kocher, Tateishi, and Khan. Other independent claims 1, 6-7, and 11-12 closely parallel, and recite substantially similar limitations as, claim 8. Therefore, it is submitted that independent claims 1, 6-7, and 11-12 should also be allowable over Kocher, Tateishi, and Khan. Furthermore, since dependent claims 3-5 and 9-10 depend from claims 1 and 8, these dependent claims should also be allowable over Kocher, Tateishi, and Khan. Claims 13-37 have been canceled.

Accordingly, it is submitted that the rejection of claims 1 and 3-37 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1 and 3-12 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35

U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.


In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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